UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,084	01/21/1999	ALAN WALBECK	INTELOG.003A	5205

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EXAMINER
DINH, KHANH Q

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/235,084	WALBECK ET AL.
	Examiner	Art Unit
	Khanh Dinh	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 December 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8,10-16 and 19-33_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-8,10-16 and 19-33_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/2004 has been entered.

2. Claims 1-8, 10-16 and 19-33 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 19-25, 27, 28 and 31 are rejected under 35 U.S.C. 102(e) as being

anticipated by Norin et al., US pat. No.5,787,247.

As to claim 19, Norin discloses a method for using a desired protocol to communicate

between nodes on a network, comprising: creating a node database containing

information about said nodes (see abstract, figs. 1, 2, col.8 line 30 to col.9 line 65 and

col.12 line 5 to col.13 line 56), designating an active gateway node to maintain said

node database, said active gateway node providing one or more access methods to

access said node database (i.e., using monitoring functions, col.15 line 11 to col.16 line

57) and mirroring said node database in one or more standby server nodes [i.e.,

replicate resources or nodes (12 fig.1), see col.13 line 18 to col.15 line 60] and

transitioning to said active mode when an unacknowledged client request for access to

said network medium is detected [using list maintenance block 36 of fig.2 to ensure the

replica lists or nodes to be updated (active or deleted state) when a new information is

received (accessed) via replication block, see col.8 line 30 to col.9 line 65 and col.13

line 18 to col.14 line 60].

As to claims 20 and 21, Norin discloses internal node database further comprising rules

that specify actions to be taken upon a state change of a client node and interpreted by

a rule engine (see col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 22 and 23, Norin discloses generating event notifications when said state change occurs provided to a dispatcher (see fig.2, col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and co1.20 line 21 to col.23 line 63).

As to claims 24 and 25, Norin discloses translating rules into a rule definition language and a change in an instance variable of the client node (see co1.17 line 7 to col.19 line 65 and co1.24 line 1 to co1.26 line 27).

As to claim 27, Norin discloses activating one of said standby server nodes after said active server becomes inactive (see col.13 line 18 to col.14 line 60, co1.17 line 7 to co1.19 line 65 and co1.20 line 21 to col.23 line 63).

As to claim 28, Norin discloses encapsulating raw packets in a first protocol into wrapper packets in said desired protocol and tunneling said raw packets through said desired protocol (see col.13 line 18 to col.14 line 60, col.17 line 7 to co1.19 line 65 and co1.20 line 21 to co1.23 line 63).

As to claim 31, Norin discloses an event handler configured to notify a user application when a change occurs in an instance variable of said client node (state changes of nodes, see col.13 line 18 to col.14 line 60, co1.17 line 7 to col.19 line 65 and co1.20 line 21 to co1.23 line 63).

Claim Rejections - 35 USC 103

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a)

that form the basis for the rejections under this section made in this Office action:

        (a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

6.   Claims 1-7, 10, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as

Being unpatentable over Norin et al US pat. No.5,787,247 in view of Chau et al., US

pat. No.5,550,906.

        As to claim 1, Norin discloses a computer network gateway comprising: an

internal node (34 fig.2) database comprising information about nodes on a network (see

abstract, figs.l, 2, co1.8 line 30 to col.9 line 65 and col.12 line 5 to col.13 line 56), an

application programming interface to communicate with said nodes and a software

module (i.e., using monitoring functions to monitor state change of nodes, co1.15 line

11 to col.16 line 57) configured to provide an active mode and a standby mode, said

active mode configured to maintain a said internal node database and to provide access

to said node database, said standby mode configured to maintain said internal node

database as a mirror copy [i.e., replicated resources or replica nodes will then have a

copy of the data set list (or "set of data sets") available in the enterprise, see co1.8 line

30 to col.9 line 65] of an external node database (also see col.13 line 18 to co1.15 line

60) and transitioning to said active mode when an unacknowledged client request for

access to said network medium is detected [using list maintenance block 36 of fig.2 to

ensure the replica list updated (active or deleted state) when a new information is

received via replication block, see col.13 line 18 to col.14 line 60].

Norin does not specifically disclose using a converter configured to communicate using

one or more data protocols and then transmitting one or more data protocols over the

network. However, the use of a protocol converter (40 fig.1) configured to communicate

using one or more data protocols and then transmitting one or more data protocols over

the network is generally well known in the art as disclosed by Chau (see fig.1, col.4 line

42 to col.5 line 57 and col.11 lines 7-61). It would have been obvious to one of the

ordinary skill in the art at the time the invention was made to implement Chau's protocol

converter to process data communications because it would have provided backward-

compatible arrangement for all communications protocol types of the multimedia

environment (see col.1 line 42 to col.2 line 61).

As to claim 2, Norin discloses internal node database further comprising rules that

specify actions to be taken upon a state change of a client node (see col.17 line 7 to

col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 3 and 4, Norin discloses rules are simple and complex rules (see col.17

line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claims 5-7, Norin discloses a rules engine configured to interpret rules, shims

configured to translate rules into a rule definition language and a change in an instance

variable of the client node (see col.17 line 7 to col.19 line 65 and col.24 line 1 to

col.26 line 27).

As to claim10, Norin discloses configured to tunnel a first protocol through a second

protocol (see col.13 line 18 to col.14 line 60, col.17 line 7 to col.19 line 65 and col.20

line 21 to col.23 line 63).

As to claim 13 and 14, Norin discloses an event handler configured to notify a user

application when a change occurs in an instance variable of said client node (ensuring

replica list is properly updated as new information is received, see col.13 line 18 to

col.14 line 60, col.17 line 7 to col.19 line 65 and col.20 line 21 to col.23 line 63).

As to claim 16, Norin discloses user interface is configured to allow a user to control

nodes on a power line network (see col.13 line 18 to col.14 line 60, col.17 line 7 to

col.19 line 65 and col.20 line 21 to col.23 line 63).

7.   Claims 8, 11, 12, 15, 26, 29, 30, 32 and 33 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Norin et al., US pat. No.5,787,247 in view of Chau et al., US

pat. No.5,550,906.

        As to claims 8, 11, 12, 15 and 33, Norin and Chau's teachings still applied as

above. Neither Norin nor Chau specifically discloses the use of ping requests, power

line protocol, PLX protocol and an Internet browser. However, an Official Notice is

taken that the use of such protocol and interface is generally well known in the art. It

would have been obvious to one of the ordinary skill in the art at the time the invention

was made to implement well-known teachings into the system of Norin to process and

control data processing systems because it would have controlled data processing

systems more quickly (for example, Golden of the US pat. No.6,272,127 discloses the

use of ping requests, power line protocol, PLX protocol and an Internet browser, see

col.20 lines 37-57, col.29 lines 46-67 and col.54 lines 26-60).

Claim 26 is rejected for the same reasons set forth in claim 8. As to the added

limitation, Norin further discloses listening for responses to said requests, said

responses used to update said node database (see co1.13 line 18 to col.l4 line 60,

co1.17 line 7 to col.19 line 65 and co1.20 line 21 to co1.23 line 63).

Claims 29, 30 and 32 are rejected for the same reasons set forth in claims 11, 12, 15

respectively.

Response to Arguments

8.   Applicant's arguments filed on 12/9/2004 have been fully considered but they are

not persuasive.

* Applicant asserts that the cited reference does not disclose transitioning to an active mode when an unacknowledged client request for access to network medium is detected.

Examiner respectfully disagrees. Norin discloses a method for replication of data using an administration network environment to define various states (including active states) that represents the level of participation of nodes in the network. For example, Norin discloses transitioning to an active mode when an unacknowledged client request for network access is detected [using list maintenance block 36 of fig.2 to ensure the replica lists/nodes updated (active or deleted state) when a new information is received via replication block, see co1.8 line 30 to col.9 line 65 and col.13 line 18 to col.14 line 60]. Users can implement this method for detecting and resolving conflicts between copies/duplicates of properties of data in a communications network. \

Conclusion

9.   Claims 1-8, 10-16 and 19-33 are *rejected.*

Other prior art cited

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Fung, US pat. No.6,859,882.

b. Takaya et al, US pat. No.5,630,116.

Conclusion

11.   Claims 1-8, 10-16 and 19-33 are rejected.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh/

Khanh Dinh
Patent Examiner
Art Unit 2151
4/15/2005